the said management center;

the said control center.

21. System for remote payment of goods and/or a service purchased by a buyer from a supplier, in a secure manner using a mobile radiotelephone used by the said buyer, the said mobile radiotelephone providing access to a radio communications network managed by a management center, a payment server being connected to the said radio communications network, characterized in that the said system comprises means of implementing the process according to claim 1.

22. Mobile radiotelephone used by a buyer for remote payment of goods and/or a service purchased by a buyer from a supplier, in a secure manner using a mobile radiotelephone used by the said buyer, the said mobile radiotelephone providing access to a radio communications network managed by a management center, a payment server being connected to the said radio communications at work, characterized in that the said radiotelephone compromises means of implementing the process according to claim 1.

REMARKS

This is in response to the Office Action mailed on September 23, 2002 in which claims 1-22 were pending. In the Office Action, claims 1-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Fougnies et al., U.S. Pat. No. 6,236,851 ("Fougnies"). As will become clear from the discussion below, all of pending claims 1-22 are allowable over the cited reference.

Claims 1-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Fougnies. Fougnies discloses a way to allow only pre-authorized users to complete cellular telephone calls and only within the closed network. *See Col. 7, lines 14-22.* More specifically, Fougnies allows users to purchase air time in the form of pre-paid cards for use with the closed network in order to make and receive telephone calls. *See Col. 11, line 57 through Col. 12, line 21.* Operating totally within a closed network, the functionality described in Fougnies has little to do with the present invention.

In fact, Fougnies is a good example of the prior art cited in the specification of the present invention. Since closed radiocommunications networks do not enter into the category of open data processing (computer) telecommunications networks, the content and solution recommended by Fougnies (U.S. Pat. No. 6,236,851) cannot be applied to the problem solved by the present invention, specifically remote payment for goods and services on an open network using a closed network radiotelephone.

While Fougnies provides a secure way to allow establishment of a telephone call, the first step of the process of the present invention begins only after getting the allowance for the call. In other words, the first step of the present invention begins after the call has been established. Specifically, amended claim 1 requires "identification of the buyer by the management center and/or the payment server and/or a control center based on a request from the supplier within the open network", a step that takes place after the buyer connects to the closed network and makes a purchase from the supplier. In Fougnies, there is no disclosure relating to communication with payment or sales servers located outside the closed telecommunications network, such as a payment server located within an open network.

The present invention is related to a method and process for making remote payments for the purchase of goods and/or services through a mobile phone. The present invention provides a process for secure remote payment for goods and/or services purchased from a supplier making use of a mobile phone. (See p. 9, lines 1-24). As described in amended claim 1, the remote payment for goods or services "from a supplier within an open network" is made through the mobile phone "within a closed radiocommunications network". The cited reference discloses no open network connection.

The closed radiocommunications network of claim 1 may be connected to one or more open networks through platforms or gateways. Thus, a user of the closed radiocommunications network can use his mobile phone to access an open network. For example, the Internet open network can be accessed using a mobile phone from a GSM network, if the mobile phone has the

means (such as an Internet navigator or browser) of using a protocol based on a specific language (such as HDML, WML, or any other similar language).

The cited references do not teach, suggest or disclose a process for "remote and secure payment for goods and/or a service purchased by a buyer from a supplier within an open network, making use of a mobile radiotelephone within a closed radiocommunications network" as required by claim 1. All of pending claims 2-22 depend from claim 1. Therefore, the cited art does not teach, suggest or disclose all the elements of claims 2-22.

All of pending claims 1-22 are in condition for allowance. Reconsideration and notice to that effect is respectfully requested. The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: January 31, 2003

By _____

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APPENDIX

Please amend claim 1 as follows:

1. (Twice Amended) Process for remote and secure payment for goods and/or a service purchased by a buyer from a supplier within an open network, making use of a mobile radiotelephone within a closed radiocommunications network used by the [said] buyer, the [said] mobile radiotelephone enabling access to [a] the closed radio communications network managed by a management center, a payment server being connected to the [said] closed radio communications network, characterized in that the [said] process includes the following step:

identification of the [said] buyer by the [said] management center and/or the [said] payment server and/or a control center based on a request from the supplier within the open network, the [said] buyer identification consisting of making sure that the buyer is a subscriber correctly registered on a list of subscribers to the [said] closed radio communications network.